

THE PROVINCE OF TAYABAS, PLAINTIFF AND APPELLANT, VS. SIMEON PEREZ ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 44778. November 09, 1938

Ponente: DIAZ, J.

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DIAZ, J.:

Among the various property owners against whom the plaintiff filed its complaint for expropriation in the Court of First Instance of Tayabas, were Florentino San Gil, who died in the course of the trial and was substituted by Josefa R. Oppus, Jose Cabrera, Josefa Villareal de Meric, Hilarion Castor, Rafaela Martinez, Enrica Malubag and Bernardino Maaño. After it had been proven that the plaintiff had a perfect right to the expropriation sought by it, the lower court rendered judgment granting it said expropriation and ordering it to pay to the above-named defendants, by way of indemnity, the following sums:

- (1) To Josefa R. Oppus, for her building known as "Esperanza Hotel", P1,500, the value thereof, plus P700 for its removal and reconstruction in a different place;
- (2) To Jose Cabrera, for his house, P800, the value thereof, plus P200 for expenses of removing and reconstructing it in a different place;
- (3) To Josefa Villareal de Meric, for her house, P400, the value thereof, plus P150 for expenses of removing and reconstructing it in another place;
- (4) To Hilarion Castor, P40, the value of his expropriated house, plus P25 for expenses of removing and reconstructing it in another place;
- (5) To Rafaela Martinez, P20, the value of her house, plus P10 for expenses of removing and reconstructing it in another place;
- (6) To Enrica Malubag, P100, the value of her house, plus P50, also for removing and reconstructing it in another place;
- (7) To Bernardino Maaño, P25, the value of his house, plus P20 for its removal and reconstruction in another place.

Not satisfied with the judgment rendered as above-stated, the plaintiff appealed therefrom, raising, by means of its sole assignment of alleged error, the question whether or not the above-named defendants, in addition to recovering the price of their respective houses, are entitled to the additional compensation granted them in said judgment, for the transfer and reconstruction of said houses in other places.

The fundamental rule in expropriation matters is that the owner of the property expropriated is entitled to a just compensation, which should be neither more nor less, whenever it is possible to make the assessment, than the money equivalent of said property. Just compensation has always been understood to be the just and complete equivalent of the loss which the owner of the thing expropriated has to suffer by reason of the expropriation

(Manila Railroad Co. vs. Velasquez, 32 Phil., 286).

Now then, it appears from reading the decision of the lower court that, to arrive at the conclusion reached by it, said court has taken into consideration the recommendation of the commissioners on assessment who, to arrive in turn at the conclusion reached by them, not only relied upon the evidence presented to them but also inspected each and every one of the houses expropriated in order to know in detail their respective conditions and extent of conservation. It was by basing their opinion upon their knowledge of the facts obtained as above-stated, that they decided that the expropriated houses of the appellees had, at the time of the expropriation, such values as those stated in their report, which are the same ones fixed by the lower court in its judgment, to wit:

The house "Esperanza Hotel" of Josefa R. Oppus, P1,500;

The house of Jose Cabrera, P800;

The house of Josefa Villareal de Meric, P400;

The house of Hilarion Castor, P40;

The house of Rafaela Martinez, P20;

The house of Enrica Malubag, P100; and

The house of Bernardino Maaño, P25.

The foregoing sums were considered as the prices of the appellees' houses purchased by the appellant, and like in any other case of purchase, the purchaser, that is, the appellant, may well be said to have acquired the expropriated houses. The truth, however, is that it was not the intention of the appellant to acquire them in order to become the owner thereof, but in order to have them removed from the expropriated place, because they did not and do not answer the purpose for which the expropriation case was instituted. Instead of keeping the houses or all or part of the materials employed in their construction, it waives that right and allows the owners thereof to take them to another place. After considering the question from this angle, it appears clearly unjust to compel the appellant to defray the expenses incurred in their transfer and reconstruction in another place by the owners of said houses, who, strictly speaking, already cease to be so from the time they are paid the price thereof. To do so would mean double compensation, or in other words, it would be equivalent to giving the appellees, for their expropriated houses, more than the money value thereof. The appellees have no right to collect at the same time the just prices of their houses and the cost of their transfer and reconstruction in another place. At most, they are entitled to either one or the other, and nothing more.

For the foregoing considerations, the judgment appealed from is modified, by eliminating therefrom that part granting the appellees the right to collect from the appellant the expenses for the transfer and reconstruction of their respective houses, and it is affirmed in all other respects, without special pronouncement as to costs. So ordered.

Avanceña, C. J., Villa-Real, Imperial, and Laurel, JJ., concur.

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